

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application No. 09/834,208

Confirmation No. 3950

Filing Date : April 13, 2001

Examiner: M. Mendoza

Applicant: G. Thomas Wolf

Art Unit: 3731

For: **Oxygen Mask**

Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Jonathan Van Zile IN SUPPORT  
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Jonathan Van Zile, MD FACEP, an Emergency Medicine physician, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as an Emergency Medicine physician for twenty years and my expertise is in EMS services, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorly through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact that the straps do not


go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

  
Jonathan Van Zile, MD FACEP

Date 5-21-07

## JONATHAN VAN ZILE, MD, FACEP

Revised 12-06

**Current Position:** Assistant Professor Department of Emergency  
Medicine University of Cincinnati, 1998 to present

**Home Address:** 735 Wakefield Dr., Cincinnati, OH. 45226

**Phone:** 513-533-3240 (home), 513-317-2630 (voice mail),  
513- 558-8086 (office)

**Office Address:** University of Cincinnati Hospital, Department of  
Emergency Medicine, 231 Bethesda Ave., Cincinnati, OH.  
45267

**Date of Birth:** March 10, 1955

**Citizenship:** U.S.A. by birth

**Education:** Medical University of S.C., Charleston, S.C.  
M.D., 1978-1982  
  
University of S.C., Columbia, S.C.  
B.S. in Chemistry, 1973-1977

**Postgraduate Education:** Emergency Medicine Residency  
St. Vincent's Hospital, Toledo, OH., 1986-1988  
Chief Resident, (1988)  
  
Internship and Residency - Internal Medicine  
University of Wisconsin Hospital, Madison, WI. 1982-1985

**Board Certification:** Emergency Medicine, 1991, 2001  
Internal Medicine, 1986

**State Medical License:** Ohio #053908

**Hospital Appointments:** University of Cincinnati Hospital,  
Emergency Medicine Physician, 1998 -present  
  
Jewish Hospital, Cincinnati, OH.  
Emergency Medicine Physician, 1998-present

## JONATHAN VAN ZILE, MD, FACEP

### Hospital Appointments: (Continued)

The Christ Hospital, Cincinnati, OH.,  
Emergency Medicine Physician, 1999 to present

Bethesda Hospitals, Cincinnati, OH.,  
Emergency Medicine Physician, 1989-1998

Mercy Anderson Hospital, Cincinnati, OH.,  
Emergency Medicine Physician, 1988-1989

Mercy Clermont Hospital, Batavia, OH.,  
Emergency Medicine Physician, 1988-1989

St. Vincent's Hospital, Toledo, OH.,  
Resident Emergency Medicine, 1986-1988,  
Chief Resident 1988

University of Wisconsin, Madison, WI.,  
Emergency Medicine Instructor and Med Flight Physician,  
1985-1986

### Hospital Committees:

Physician Director Disaster Team Jewish Hospital, Aug.  
2002 to present

Chairman Emergency Department Quality Assurance,  
Jewish Hospital, Jan. 2001 to present

Member Emergency and Disaster Committee, Cincinnati  
Academy of Medicine, 1995 to present

Chairman AMI Clinical Pathways, Bethesda Hospitals,  
1996-1997

Education Director PEPCL, 1996-1998

Medical Director Paramedic Training Program, Bethesda  
North Hospital, 1995 -1998

## **JONATHAN VAN ZILE, MD, FACEP**

- Professional Committees:** Medical Director Heart Restart (Cincinnati Public Access Defibrillation initiative), Oct. 2005 to present
- Chairman Southwest Ohio EMS Prehospital Care Committee, Dec 1, 2004
- Chairman Southwest Ohio EMS Protocol Subcommittee, March 2001 to present
- President Cincinnati Emergency Medicine Society, 1996
- EMS Affiliations:** Medical Director Health Alliance Mobile Care, Jan 2005 to present
- Medical Director Hamilton County Communications Center, Jan 2005 to present
- Medical Director, Mason Life Squad, 1991 to present
- Medical Director, Montgomery Life Squad, 1998 to present
- Medical Director, Marimont Life Squad, 2004 to present
- Medical Director, Kings Island, 1998 to present
- Awards:** Golden Apple Award, University of Cincinnati Emergency Medicine Residency, June 2000
- Student Research Award, American Federation for Clinical Research, New Orleans, LA., 1981
- Graduated Cum Laude, 1977
- CRSA outstanding Chemistry Student, 1975
- Professional Affiliations:** Ohio State Medical Society
- American College of Emergency Physicians
- Cincinnati Academy of Medicine

## JONATHAN VAN ZILE, MD, FACEP

### Lectureships:

*9-11 My Personal Experience (Sept 12, 2003 Jewish IM Residents and Sept 11, 2002, Jewish Women's Auxiliary)*

*Chest Pain Triage for the Emergency Department*

*Field 12 Lead EKGs (Mason LS Sept 22, 2003)*

*ACLS Review (July 19, 2003 Jewish IM residents)*

*Wet vs. Dry-Field Assessment of the SOB Patient (July 21, Mason LS)*

*Tachycardia Algorithms (Aug 15, 2003 Jewish IM residents)*

### Recent Publications:

Hedges,J, Sechra,R, Van Zile,J.,et.al.,*Automated External Defibrillator Program Does Not Impair Cardiopulmonary Resuscitation Initiative in the PAD . Acad Emerg Med* 13:659-665. 2006.

Van Zile, J. and Emerick, M. *Abdominal Pain in the Emergency Department*. Chapter 5. Emergency Medicine – An Approach to Clinical Problem. 2002, Hamilton and Trott (editors)

Sechra, Ruchir, Van Zile, Jonathan, Hedges, Jerris, McBurnie, Mary Ann. *The Presence of an AED Increases Performance of CPR in the PAD (Public Access Defibrillation) Trial*. 2003. Abstract accepted AHA meeting-Orlando. Fla. Nov 2003.

Perdy, Mary Ann, Van Zile, Jonathan, et al. *Adverse Events Associated with Lay cardiac Arrest Response Program*. 2003. Abstract accepted at AHA meeting- Orlando, Fla. Nov. 2003.

## JONATHAN VAN ZILE, MD, FACEP

### Research:

PAD (Public Access Defibrillation) Trial, Principal Investigator NIH sponsored, April 2001 -2005.  
Crusade Trial, co-Principal Investigator, Jewish Hospital, March 2001 to present

National Registry for MI. Bethesda Hospital, 1997

Assent II - TNK. Bethesda North. 1996, Principal Investigator

Cincinnati Cooperative - Thrombolytics in the Field 1993, Directed by Dr. Keriakas

Middleton V.A. Hospital, Madison, Wisconsin, 1985,  
Prostaglandin metabolism in synovial cells.  
Directed by Dr. R. Rothenberg

Medical University of S.C., Charleston, S.C., 1980 - 1982,  
The effects of diabetic immune complexes on platelets.  
Directed by Dr. J. Colwell and Dr. G. Virella

University of S.C., Columbia, S.C., 1976 - 1978,  
Glycoprotein metabolism.  
Directed by Dr. J. Baynes and Dr. S. Thorpe

### Publications:

Hedges, J., Sechra, R., Vanzile, J., et al., *Automated External Defibrillator Program does not Impair Cardiopulmonary Resuscitation Initiative in the PAD*. Acad Emerg Med 13:659-665. 2006.

Van Zile, J. and Emerick, M. *Abdominal Pain in the Emergency Department*. Chapter 5 in Emergency Medicine—An Approach to Clinical Problem Solving. 2002, Hamilton and Trott (editors).

Sechra, Ruchir, Van Zile, Jonathan, Hedges, Jerris, McBurnie, Mary Ann. *The Presence of an AED Increases Performance of CPR in PAD (Public Defibrillation) Trial*. 2003. Abstract AHA meeting Orlando Fla. Nov. 2003.

Perdy, Mary Ann, Van Zile, Jonathan, et al. *Adverse Events Associated with Lay cardiac Arrest Response Program*. 2003. Abstract accepted at AHA meeting- Orlando, Fla. Nov. 2002.

## JONATHAN VAN ZILE, MD, FACEP

### Publications (cont.):

Van Zile, J., Kilpatrick, M., Laimins, M., Sagel, J., Colwell, J. and Virella, G. *Platelet Aggregation and Release of ATP after Incubation with Soluble Immune Complexes purified from the serum of Diabetic Patients.* Diabetes. 30:575-579, 1981.

Baynes, J.W., Van Zile, J., Henderson, L. and Thorpe, S.R. *In Vivo Sites of Uptake of Short- and Long-lived Circulating proteins: Clearance of Protein in Peripheral Tissue.* Birth Defects Original Article Series. 16:103-113, 1980.

Van Zile, J., Kilpatrick, M., Colwell, J. and Virella, G. *Effects of Soluble Immune Complexes from Diabetics on Platelet Aggregation and Activation.* Amer. Fed. for Clinical Research. 28:834, 1980.

Van Zile, J., Henderson, L., Baynes, J.W. and Thorpe, S.R. *(3H)-Raffinose, A novel Radioactive Label for Determining Sites of Catabolism of Proteins in Circulation.* J. Biol. Chem. 254:3547-3553, 1979.

Van Zile, J., Baynes, J.W. and Thorpe, S.R. *Use of a Non-biodegradable radioactive Tag to Determine the Site(s) of catabolism of Proteins in the Circulation.* Fed. Proc. 37:1438, 1978.



Application No. 09/834,208 G.  
Thomas Wolf, Inventor

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application No. 09/834,208

Confirmation No. 3950

Filing Date : April 13, 2001

Examiner: M. Mendoza

Applicant: G. Thomas Wolf

Art Unit: 3731

For: **Oxygen Mask**

Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Judy Levy IN SUPPORT  
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Judy Levy, a Registered Nurse, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as a Registered Nurse for 33 years, particularly in the Emergency Department, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorly through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact that the straps do not

go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

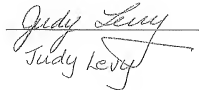
3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

Date 05/07/2007

  
Judy Levy

**Judy Levy**  
9480 Fallson Ct.  
Cincinnati, Ohio 45242  
Work Phone: 513-745-1415  
Home Phone: 513-791-1281

## **EDUCATION**

1971-1974 RN, Diploma Degree Nursing - Bethesda Hospital School of Nursing  
1997-1999 Graceland College Outreach Program  
EMT-B - Scarlet Oaks Vocational School  
2000 EMT-P - Clark State Community College  
2001-2003 RN/BSN program at University of Cincinnati  
2006 BSN - Mt. St. Joseph College  
Goal: Masters degree

## **EMPLOYMENT**

1/2007-present *Bethesda North Hospital-Director Paramedic Training Program/Supervisor  
Emergency Medical Services Group*  
Maintain quality, regulations, running of the Paramedic Training Program.  
Responsible for the instructors and their various duties. Oversee outreach  
continuing education for pre-hospital personnel. Responsible for budget, hiring,  
firing, performance appraisals and conflict resolution.

2003-1/2007 *Bethesda North Hospital - Clinical Team Manager, Emergency Department*  
Daily running of the Emergency Department, performance appraisals, scheduling,  
hiring, firing, conflict resolution

2002-2003 *Bethesda North Hospital - EMS Coordinator*  
Liaison between squads, hospitals, and personnel. Participates in education and  
training of trauma for pre-hospital, as well as hospital personnel. Clinical  
Instructor for the Bethesda Hospital Paramedic Training Program. Coordinate and  
teach continuing education as well as outreach ACLS, PALS, and PEPP Courses  
or area life squads.

1998-2002 *Bethesda North Hospital - Paramedic Training Program Instructor*  
Instruct students, discipline, set up schedules for clinicals, precept students in the  
emergency department.

1998-2002 *Good Samaritan Hospital-EMS Coordinator*  
Liaison between squads, hospitals, and personnel. Clinical Instructor for the  
Bethesda Hospital Paramedic Training Program. Coordinate and teach continuing  
education as well as outreach ACLS, PALS, and PEPP Courses for area life squads.

1979-present *Bethesda North Hospital*  
Employed as a staff nurse in the emergency department with relief charge nurse  
responsibilities. Assisted with setting up the orientation program for new  
employees while also acting as a preceptor. Mentored student nurses and EMT  
students. Work closely with physicians and ancillary staff; staff schedule.

- 1993-1994      *Assistant EMS Coordinator*  
 Coordinated continuing education classes for EMT's; published newsletter; worked on numerous projects within the realm of the EMS Community.
- 1994-1996      *ACLS Coordinator*  
 Scheduled all the ACLS classes and instructors; supervised teaching in the classes; problem solved; assisted with teaching, supervision and evaluation of participants as well as instructors.
- 1995-1996      *PALS Coordinator*  
 Scheduled class times and instructors; supervised and evaluated participants as well as instructors; supervised teaching in the classes; problem solved.

## **CERTIFICATIONS**

EMT-P – Clark State  
 Advanced Cardiac Life Support Instructor  
 Pediatric Advanced Life Support Instructor  
 ITLS Instructor  
 PEPP Instructor/Coordinator  
 TNCC Provider

## **PROFESSIONAL ORGANIZATIONS**

Emergency Nurses Association  
 Hamilton County Pre-Hospital Care Association  
 American Heart Association Ohio Regional ECC Committee

## **PRESENTATIONS**

- Multiple presentations to various life squads on geriatrics; pediatrics; cardiac; stroke; obstetrics; medical illnesses; trauma
- Presentations to senior groups on cardiac disease in the elderly.
- Orthopedic presentation to RNs.
- Assist with coordination of Trauma /Critical Care Symposium.
- Assist with coordination of TraumaScope.
- Presentation to staff at Patheon Pharmaceuticals, Inc. on Cardiac Issues.
- 2000 - Presentations on geriatrics, cardiac case studies, and miscellaneous information at the 20<sup>th</sup> Annual Arrowhead EMS Association Conference in Duluth, Minnesota
- 2000 – Geriatric Presentation at OAEMS Conference
- 2003 – First Aid Presentation in conjunction with an injury prevention presentation at Speaking of Women's Health Seminar

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application No. 09/834,208

Confirmation No. 3950

Filing Date : April 13, 2001

Examiner: M. Mendoza

Applicant: G. Thomas Wolf

Art Unit: 3731

For: **Oxygen Mask**

Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Kathleen Ballman IN SUPPORT  
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Kathleen Ballman, a nurse practitioner, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as a registered nurse for 30 years, particularly in the emergency department providing direct respiratory care and in pre-hospital education providing education to those who render emergency respiratory care, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorly through said points of attachment. Unlike other oxygen masks currently

being used today, this oxygen mask is unique in the fact that the straps do not Application No.  
09/834,208 / G. Thomas Wolf, Inventor

go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

Date 5/07/2007

  
Kathleen A. Ballman

# KATHLEEN A. BALLMAN

6031 Yosemite Drive  
Cincinnati, Ohio 45237  
(513) 351-6907  
Kathe\_Ballman@TriHealth.com

## EDUCATION

2003- 2005      University of Cincinnati      Cincinnati, Ohio  
College of Nursing  
*MSN/Adult Acute Care/Adult Primary Care Nurse Practitioner*

### Clinical internships:

Karen Rahe, NP, Internal Medicine  
Dr. Tamala Zimmerman, Deaconess, Emergency Department  
Dr. Steven Blatt, Good Samaritan Hospital, Infectious Disease  
Cincinnati Health Department, STD Clinic  
Dr. Juan Mejia, Good Samaritan Hospital, Hospitalist Group

2001 - 2003      University of Cincinnati      Cincinnati, Ohio  
*RN/BSN Program*  
BSN  
Graduated Magna Cum Laude

Fall, 2000      Clark State College      Springfield, Ohio  
*Paramedic Theory for RN's*  
Paramedic certification

1980 - 1981      University of Cincinnati      Cincinnati, Ohio  
*Liberal Arts Courses*  
General courses taken to apply to a degree

1974 -1977      Bethesda Hospital School of Nursing      Cincinnati, Ohio  
*Registered Nurse*  
Diploma school in conjunction with Edgecliff College (Xavier University)

## PROFESSIONAL EXPERIENCE

2006 - Present      Bethesda North Hospital      Cincinnati, Ohio  
*Heart Failure Specialist*  
Provides health care services that promote, improve and manage health care for the heart failure patient. Evaluates the processes involved in the continuum of care for the patients and families. Works collaboratively with a multi-disciplinary team to care for the patient and their families during their hospital stay. Assumes the roles of educator, researcher and consultant for the patients, families and care team.

PROFESSIONAL  
EXPERIENCE

(Continued)

2001 - Present      TriHealth      Cincinnati, Ohio  
*Director*

Bethesda Hospital Paramedic Training Program and TriHealth's Emergency Medical Services Group. In addition to supervisory responsibilities, this position is accountable for educational programs including initial paramedic education, continuing education geared toward EMS and nursing and assist with educational programs for the Core Trauma Team at Bethesda North Hospital. This department is part of Trauma Services and the position answers directly to the Trauma Medical Director.

1996 - 2000      TriHealth      Cincinnati, Ohio  
*Supervisor*

Coordinator of Bethesda Hospital's Paramedic Training Program and Supervisor for the Emergency Medical Services Group (EMSG). The EMSG is made up of EMS Coordinators for the four TriHealth Emergency Department, Bethesda North, Bethesda Oak, Good Samaritan and Bethesda Warren County. Responsibilities included education coordination and public relations with the prehospital care community.

1993 - 1996      Bethesda North Hospital      Cincinnati, Ohio  
*EMS Coordinator and Paramedic Instructor*

Combined role as a prehospital care liaison/educator/coordinator and a clinical instructor for Bethesda Hospital's Paramedic Training Program

1992 - 1993      Bethesda School of Nursing/Cincinnati State College  
*Interim Nursing Instructor - Level I*

Clinical and lab instructor for freshman nursing students for 2 quarters.

1987 - 1993      Bethesda North Hospital      Cincinnati, Ohio  
*Emergency Department Charge Nurse*

Responsible for the direct front line management of an ED with a census of 50,000 patients a year, 30% of which were pediatric patients. Responsible for selection and orientation of all new employees.

1977 - 1987      Bethesda North Hospital      Cincinnati, Ohio  
*Critical Care Nurse/Part-time Charge Nurse/Staff Nurse*

When not functioning as a staff nurse, role varied by either taking responsibility for the care and treatment of critical patient in the ED while there, waiting for bed assignments. Also served as a relief charge nurse daily between 1985 through 1987

PROFESSIONAL  
MEMBERSHIPS

American Association of Heart Failure Nurses (AAHFN)

Sigma Theta Tau - Honor Society of Nurses

Emergency Nurse Association (ENA)



Tri-State Assembly of Advanced Practice Nurses (TAAPN)  
Ohio Association of Advanced Practice Nurses (OAAPN)  
Ohio Instructor Coordinators Society (OICS)  
Ohio Nurses Association (ONA)  
Southwestern Ohio Pre-Hospital Care Subcommittee  
Southwestern Ohio EMS Protocol Committee  
Ambulance Diversion Committee, Southwestern Ohio

#### AWARDS

2005-2006 - The Outstanding Graduate Student of the Year Award -University of Cincinnati, College of Nursing  
2005 - Franz Scholarship - University of Cincinnati, College of Nursing  
2005 - Lamber-Pautz Scholarship - Bethesda School of Nursing Alumni  
2004 - 2005- Achieve Competence Today (ACT II) Scholar - Sponsored by The Robert Wood Johnson Foundation in conjunction with the University of Cincinnati, College of Nursing, College of Medicine and The University Hospital  
2003 - George and Ester Spangler Scholarship - University of Cincinnati, College of Nursing  
2002 - Charles Fleischmann Scholarship - University of Cincinnati, College of Nursing  
2002 - Meredith Shriner Scholarship - Bethesda Hospital

#### PERSONAL DATA

Age 50  
Married (Gregory)  
3 Children (Jennifer 24, Christine 21, Casey 18)

#### INTERESTS & ACTIVITIES

Involvement with children's academic and sporting activities  
Backpacking  
Travel

#### CERTIFICATIONS & LICENSURES

Registered Nurse, (RN) State of Ohio  
Certified Nurse Practitioner, (CNP) State of Ohio

CERTIFICATIONS  
& LICENSURES

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(Continued)

Certified Emergency Nurse (CEN)

Trauma Nurse Core Curriculum (TNCC)

Nationally Registered EMT-Paramedic, State of Ohio (NREMT-P)

Paramedic Instructor, State of Ohio (EMSI)

Advanced Disaster Life Support (ADLS) Provider/Instructor/Coordinator

Advanced Cardiac Life Support (ACLS) Provider/Instructor

Pediatric Advanced Life Support (PALS) Provider/Instructor

Pediatric Education for Pre-Hospital Providers (PEPP) Provider /  
Instructor/Coordinator

Neonatal Resuscitation Program (NRP) Provider

Basic Trauma Life Support (BTLS) Provider/Instructor/Affiliate Faculty

Basic Life Support (BLS) Provider/Instructor

Geriatric Education for Emergency Medical Service (GEMS)  
Provider/Instructor/Coordinator

Pediatric First-Aid Instructor, State of Ohio

Communicable Disease Instructor, State of Ohio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. 09/834,208

Confirmation No. 3950

Filing Date : April 13, 2001

Examiner: M. Mendoza

Applicant: G. Thomas Wolf

Art Unit: 3731

For: Oxygen Mask

Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Raymond P. Mueller, Jr. IN SUPPORT  
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Raymond P. Mueller, Jr. a Registered Nurse and Paramedic, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as an RN for 18 years particularly in the filed for cardiac intensive care and emergency medicine, and as a Paramedic for 27 years, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorly through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact the straps do not

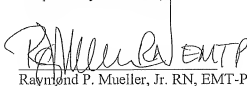
go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

 EMT-P

Raymond P. Mueller, Jr. RN, EMT-P

Date

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Confirmation No. 3950

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Examiner: M. Mendoza

Applicant: G. Thomas Wolf

Art Unit: 3731

For: **Oxygen Mask**

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**DECLARATION UNDER 37 C.F.R. §1.32 OF [name inserted here] IN SUPPORT  
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Sandra M. Wolf Tomlin, a registered respiratory therapist, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked in the field of Respiratory Care since 1977. I can say, without a doubt, that I have never seen a mask with the same attachment device configuration in any area that I have worked. Areas that I have experience in are the following: adult medical/surgical, intensive/ cardiac care and emergency response and emergency room; pediatric medical/surgical, convalescent, intensive/cardiac care, emergency response and emergency room and transport; neonatal intensive care nursery, transport and ECMO; pulmonary function and sleep study testing. Places of employment include, but are not limited to, Supervisor- Middletown Regional Hospital, Middletown, OH and Supervisor-

Children's Hospital Medical Center, Cincinnati, Ohio. I have a Bachelors of Science degree in Clinical Sciences with a major in Respiratory Therapy. See attached resume.

2. I am familiar with the invention entitled "Oxygen Mask," as described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorally through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact that the straps do not

Application No. 09/834,208 / G. Thomas Wolf, Inventor

go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

May 14, 2007  
Date

  
Sandra M. Wolf Toftin, CRTT, RRT

### **Curriculum Vitae**

Name: Sandra Marie Wolf Tomlin Home

Address: 5725 Fawn Run Drive  
Mason, OH 45040-9523

Education: Small Business Start-Up 1 & 2  
Cincinnati State Technical College

Wheeling Jesuit University  
Bachelors of Science in Clinical Sciences  
Majoried in Respiratory Therapy  
Graduated Registry Eligible

Credentials: Registered by the National Board of Respiratory Therapy  
June 1983, Registry # 18,889

Certified Respiratory Therapy Technieian  
Deecember 1981

CPR Instruetor of Ameriean Red Cross  
May 1986 to 1990

Professional Experience: Respiratory Care Supervisor  
Children's Hospital Medical Center  
Cincinnati, Ohio  
March 1986 to August 1989

Respiratory Care Supervisor  
Middletown Regional Hospital  
Middletown, Ohio  
November 1983 to March 1986

Team Leader of Respiratory Care  
The Jewish Hospital  
Cincinnati, Ohio  
February 1982 to November 1983

Staff Respiratory Therapist  
The Jewish Hospital  
Cincinnati, Ohio  
May 1981 to February 1982

Professional Associations: American Association for Respiratory Care  
Ohio Society for Respiratory Care



	Committee Member, Middletown Regional Hospital Support Group for patients and their families with lung disease
	Editor of Support Group Monthly Newsletter
	Member, Middletown Regional Healthworks
Professional Presentations:	Current Trends in Neonatal/Pediatric Care April 13, 14, 1989 Topic: Airway Obstruction
	AARC Annual Meeting November 1986 Topic: "Transcutaneous PO2 Monitoring During Neonatal Transport"
	Sycamore-Montgomery Life Squad June 1987 Topic: "Alupent and Hand Held Nebulizer Treatments: Description and Clinical Applications"
Abstracts:	Branson PS, Wolf SM, Guilfoile TD. Transcutaneous PO2 monitoring neonatal transport Rcsp Care 1986;31(10).
	Langenbrunner P, Branson PS, Wolf SM. Case Study on a radial arterial catheterization complication.
	Wolf SM, Langenbrunner P, Donovan EF, Hicky F. Risk of hyperoxia with pulse oximetry in neonatal care.
Chapter:	Wolf SM. Gas regulators and flow meters. Respiratory Care Equipment.